

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**SPACETIME3D, INC.**

**Plaintiff,**

**v.**

**SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC.,**

**Defendants.**

**Civil Action No. 2:19-cv-00372-JRG**

**JOINT REPORT REGARDING MEET AND CONFER IN CONNECTION WITH  
SPACETIME3D'S MOTION TO COMPEL EMAIL DISCOVERY AND HISTORICAL  
ORGANIZATIONAL CHARTS (DKT. 60) AND MOTION TO COMPEL COMPLETE  
RESPONSES TO INTERROGATORIES, PRODUCTION OF LICENSE AGREEMENTS  
AND DAMAGES DISCOVERY, AND DEPOSITION DATES (DKT. 65)**

Plaintiff SpaceTime3D, Inc. (“SpaceTime3D”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Defendants”) update the Court on the status of SpaceTime3D’s Motion to Compel Email Discovery and Historical Organizational Charts (Dkt. 60) and Motion to Compel Complete Responses to Interrogatories, Production of License Agreements and Damages Discovery, and Deposition Dates (Dkt. 65). Lead and Local Counsel for the parties have had several conversations, the latest on October 23, 2020, to address the issues raised in the motions and oppositions. Although the parties have reached a resolution to some aspects of the dispute, several issues raised in the motions remain, as noted below:

- Dkt. 60: In SpaceTime3D’s motion, it requested that the Court order Defendants to produce emails within two weeks of the parties’ reaching agreements on search terms and relevant time periods for all future custodians. Dkt. 60, at 4, 7. Defendants have confirmed they will complete their production of email for custodian Eunsil Lim on or before November 9, 2020.
- Dkt. 60: As to SpaceTime3D’s request for historical organizational charts or documents sufficient to identify email custodians that had knowledge of the accused features in 2008-2010 and 2013-present, Dkt. 60, at 5, Defendants confirmed they do not possess historical organizational charts for such individuals. However, Defendants did assemble and provide the chart reproduced in their opposition, *see* Dkt. 70, at 6. SpaceTime3D contends that this chart does not contain certain critical information, including the identities of Samsung employees that had knowledge of the infringing features prior to 2014, the reporting relationship between relevant employees, and the relevant time periods in which even certain disclosed employees occupied their relevant roles. Further, as SpaceTime3D notified Defendants on October 8, the chart does not appear to include exhaustive information on all relevant employees. For instance, in Defendants’ Amended Initial and Additional Disclosures served on October 7, they

disclosed engineer Su-Yeon Kim as a relevant person with knowledge. This engineer is not included in Defendants' chart. Defendants contend that the requested organizational charts do not exist and that this alone renders the motion moot. Nevertheless, they provided the detailed information in a narrative format, which demonstrates their good faith effort to provide relevant information from which SpaceTime3D could select two "replacement" email custodians, which SpaceTime3D already has selected. Defendants' review and production of email for those two replacement custodians has already begun, and SpaceTime3D's selection of the 8 total email custodians permitted by the E-Discovery Order is complete.

- Dkt. 65: Defendants have not amended or supplemented their responses to Interrogatory Nos. 7, 9. *See* Dkt. 65, at 4-7. However, Defendants note that they have produced the two license agreements identified in their initial response, and also have produced the only two other license agreements identified by SpaceTime3D.
- Dkt. 65: Defendants have not produced the settlement agreement or requested expert discovery from *Apple v. Samsung*, Case No. 11-cv-1846 (N.D. Cal.). *Id.* at 2, 7 n.1. Defendants have agreed to produce the Settlement Agreement pending satisfaction of the notice and consent provisions of the agreement, but maintain that production of underlying expert reports and other discovery is unduly burdensome and not proportional to the needs of the case.
- Dkt. 65: Defendants have not produced the requested expert discovery from *Cypress Lake Software, Inc. v. Samsung Electronics America, Inc.*, Case No. 6:18-cv-00030-JDK (E.D. Tex.). Defendants' position is the same with respect to the requested underlying discovery from prior litigations resulting in license agreements.

In light of the issues still remaining from SpaceTime3D's motions, the parties respectfully request that the Court hold the hearing as scheduled on October 28, 2020, at 3:30 p.m. Central.

Dated: October 26, 2020

Respectfully submitted,

/s/ Max L. Tribble, Jr.

Max L. Tribble, Jr. – Lead Counsel  
Texas State Bar No. 20213950  
SUSMAN GODFREY LLP  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666  
mtribble@susmangodfrey.com

Matthew R. Berry  
Washington State Bar No. 37364  
SUSMAN GODFREY LLP  
1201 Third Ave., Suite 3800  
Seattle, Washington 98101  
Telephone: (206) 516-3880  
Facsimile: (206) 516-3883  
mberry@susmangodfrey.com

Meng Xi  
California State Bar No. 280099  
SUSMAN GODFREY LLP  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, California 90067  
Telephone: (310) 789-3100  
Facsimile: (310) 789-3150  
mxi@susmangodfrey.com

Y. Gloria Park  
New York Bar No. 5477047  
SUSMAN GODFREY LLP  
1301 Ave. of the Americas, 32nd Fl.  
New York, New York 10019-6023  
Telephone: (212) 336-8330  
Facsimile: (212) 336-8340  
gpark@susmangodfrey.com

S. Calvin Capshaw  
State Bar No. 03783900  
Elizabeth L. DeRieux  
State Bar No. 05770585  
CAPSHAW DERIEUX, LLP  
114 E. Commerce Ave.  
Gladewater, TX 75647

Telephone: 903-845-5770  
ccapshaw@capshawlaw.com  
ederieux@capshawlaw.com

*Attorneys for Plaintiff SpaceTime3D, Inc.*

Dated: October 26, 2020

Respectfully submitted,

By: Aaron Wainscoat

Melissa R. Smith  
State Bar No. 24001351  
GILLAM & SMITH, LLP  
303 South Washington Avenue  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
Email: melissa@gillamsmithlaw.com

Mark Fowler (pro hac vice)  
Aaron Wainscoat (pro hac vice)  
Robert Buergi (pro hac vice)  
Erik R. Fuehrer (Admitted 5/24/12)  
Jonathan Hicks (pro hac vice)  
DLA Piper LLP (US)  
2000 University Avenue  
East Palo Alto, CA 94303-2215  
Telephone: (650) 833-2000  
Fax: (650) 833-2001  
mark.fowler@dlapiper.com  
aaron.wainscoat@dlapiper.com  
robert.buergi@dlapiper.com  
erik.fuehrer@dlapiper.com  
jonathan.hicks@dlapiper.com

ATTORNEYS FOR DEFENDANTS  
SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA, INC.

**CERTIFICATE OF SERVICE**

I certify that all counsel of record deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 26<sup>th</sup> day of October, 2020.

/s/ *Melissa R. Smith*